



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 6, 1993

Ms. Catherine A. Ghiglieri
Commissioner
Texas Department of Banking
2601 N. Lamar Boulevard
Austin, Texas 78705-4294

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OR93-501

Dear Commissioner Ghiglieri:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 20465.

The Texas Department of Banking (the "department") has received a request for "the most recent merger application of Hamilton National Bank and First Bank of Tyler." Your letter states that the department will release some information but it contends that the remaining information is excepted from public disclosure under sections 3(a)(1), 3(a)(10) and 3(a)(11) of the Open Records Act.

Section 3(a)(1) excepts "information deemed confidential by law, either Constitutional, statutory, or by judicial decision." Chapter two of the Texas Banking Code provides in part that

all information obtained, either directly or indirectly, by the Banking Department relative to the financial condition of any bank or bank holding company other than call reports and profit and loss statements, whether obtained through examination or otherwise, except published statements, and all files and records of said Department relative thereto shall be confidential, and shall not be disclosed by the Banking Commissioner or any officer or employee of said Department.

V.T.C.S. art. 342-210(a). The requested information is clearly information "relative to the financial condition" of the Hamilton National Bank and First Bank of Tyler. Accordingly, you may withhold the requested information under section 3(a)(1) as information deemed confidential by statutory law.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,

A handwritten signature in cursive script that reads "Susan Garrison".

Susan Garrison
Assistant Attorney General
Open Government Section

SLG/LBC/jmn

Ref.: ID# 20465

Enclosures: Submitted documents

cc: Ms. Belinda Bass
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(w/o enclosures)